

Substitute House Bill No. 5410

House of Representatives, March 19, 1998. The Committee on Public Health reported through REP. MCDONALD, 148th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NOTIFICATION OF CERTAIN PATIENT RIGHTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 17a-548 of the general statutes, as  
2 amended by section 80 of public act 97-8 of the  
3 June 18 special session, is repealed and the  
4 following is substituted in lieu thereof:

5 (a) Any patient shall be permitted to wear  
6 his or her own clothes; to keep and use personal  
7 possessions including toilet articles; except for  
8 patients hospitalized in Whiting Forensic  
9 Division; to be present during any search of his  
10 personal possessions; to have access to individual  
11 storage space for such possessions; and in such  
12 manner as determined by the facility to spend a  
13 reasonable sum of his or her own money for canteen  
14 expenses and small purchases. These rights shall  
15 be denied only if the superintendent, director, or  
16 his authorized representative determines that it  
17 is medically harmful to the patient to exercise  
18 such rights. An explanation of such denial shall  
19 be placed in the patient's permanent clinical  
20 record.

21 (b) In connection with any litigation related  
22 to hospitalization, or at any time following

23 discharge from the facility, any patient or his or  
24 her attorney shall have the right, upon written  
25 request, to inspect all of such patient's hospital  
26 records, and to make copies thereof. Unless the  
27 request is made in connection with any litigation  
28 related to hospitalization, a mental health  
29 facility, as defined in subdivision (5) of section  
30 52-146d, may refuse to disclose any portion of a  
31 patient's record which the mental health facility  
32 determines: (1) Would create a substantial risk  
33 that the patient would inflict life-threatening  
34 injury to self or to others or experience a severe  
35 deterioration in mental state; (2) would  
36 constitute an invasion of privacy of another  
37 person; or (3) would violate an assurance of  
38 confidentiality furnished to another person,  
39 provided only such portion of the record the  
40 disclosure of which would not constitute an  
41 invasion of privacy of another person or violate  
42 an assurance of confidentiality furnished to  
43 another person shall be disclosed. Any patient  
44 aggrieved by a facility's refusal to disclose  
45 under this subsection may petition the Superior  
46 Court for relief in the same manner as a patient  
47 proceeding under section 4-105, except that in  
48 addition to notice and a hearing, the court may  
49 conduct an in camera review of the record. The  
50 court shall order disclosure of the record by such  
51 facility unless the court determines that the  
52 disclosure (A) would create a substantial risk  
53 that the patient would inflict life-threatening  
54 injury to self or to others or experience a severe  
55 deterioration in mental state, or (B) would  
56 constitute an invasion of privacy of another  
57 person, or (C) would violate an assurance of  
58 confidentiality furnished to another person,  
59 provided if the court orders disclosure of the  
60 record, only such portion of the record the  
61 disclosure of which would not constitute an  
62 invasion of privacy of another person or violate  
63 an assurance of confidentiality furnished to  
64 another person shall be disclosed.

65 (c) A list of all in-hospital rights shall be  
66 prominently posted in each ward where mental  
67 health services are provided. SUCH LIST SHALL  
68 INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO  
69 LEAVE, AS AFFORDED BY SUBSECTION (a) OF SECTION  
70 17a-506, AS AMENDED, THE RIGHT TO A HEARING, AS

71 AFFORDED BY SUBSECTION (d) OF SECTION 17a-502, AND  
72 THE RIGHT TO FILE A COMPLAINT, AS AFFORDED BY THE  
73 HOSPITAL'S COMPLAINT PROCEDURE.

74 (d) Nothing in subsection (b) of this section  
75 shall limit a patient's right of access to his  
76 records under section 4-104.

77 PH COMMITTEE VOTE: YEA 22 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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**FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5410**

STATE IMPACT	None, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Mental Health and Addiction Services

**EXPLANATION OF ESTIMATES:**

This bill is not anticipated to result in any additional costs to the Department of Mental Health and Addiction Services (DMHAS). The department currently posts a list of patients' rights in all DMHAS facilities. Any changes to these lists that are required due to this bill would be updated as part of the department's standard administrative practice.

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**OLR BILL ANALYSIS**

SHB 5410

**AN ACT CONCERNING NOTIFICATION OF CERTAIN PATIENT RIGHTS**

**SUMMARY:** This bill requires hospitals for psychiatric disabilities to include in their posted lists of patients' rights the right to (1) initiate a discharge after a voluntary admission, (2) request a hearing after commitment to a facility under an emergency certificate, and (3) file a complaint according to the hospital's complaint procedure.

By law, these facilities must prominently post a list

of all in-hospital rights in each ward where mental health services are provided.

EFFECTIVE DATE: October 1, 1998

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute  
Yea 22      Nay 0